## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

BOBBY J. STROUP,	3:10-cv-00562-HDM-WGC	
Plaintiff,	MINUTES OF THE COURT	
vs.	) February 17, 2012	
GREGORY MARTIN, et al.,	) )	
Defendants.	) ) )	
PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE		
DEPUTY CLERK: <u>JENNIFER COTTE</u>	ER REPORTER: NONE APPEARING	
COUNSEL FOR PLAINTIFF(S): NONE APPEARING		
COUNSEL FOR DEFENDANT(S): NONE APPEARING		

## MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff's motion (Doc. #31) seeking an order allowing plaintiff to view an exhibit defendants filed under seal with their motion for summary judgment (Doc. #17, Motion for Summary Judgment; Doc. #18 "Motion to Seal Medical Exhibit B"; Doc. #19, "Under Seal Submission"). Defendants' motion (*id* at 2) stated copies of "the exhibit" will be sent to Ely State Prison "...to permit plaintiff to review the exhibit by appointment." (*Id*.)

Plaintiff represents that following receipt of defendants' Motion for Summary Judgment, he made a request on November 29, 2011, to review his medical records (Exhibit B). He states that this request was denied (Doc. #31 at 3, 8). A new request was submitted by plaintiff on January 1, 2012, and plaintiff was scheduled to review his records on January 24, 2012. (*Id.*) Plaintiff states he was escorted the next day to the infirmary to review Exhibit B. While plaintiff may have been able to review his medical records, he avers he was denied access to the Walsh Declaration in Exhibit B (*id.* at 4-5, 8-9).

Defendants' Motion states defendants seek to seal "Exhibit B consisting of plaintiff's medical records..." (Doc. #18 at 1). Exhibit B consists of the Walsh Declaration and four sub-exhibits: Exhibit B-1, which contains what appear to be selected medical records; Exhibit B-2, another collection of medical records; B-3, a "Medical Report of Incident"; and B-4, selected pathology and lab reports. As addressed above, plaintiff claims he was denied access to the Walsh Declaration; whether he was able to review Exhibits B-1 through B-4 is unclear.

## MINUTES OF THE COURT

3:10-cv-00562-HDM-WGC Date: February 17, 2012

Page 2

To the extent plaintiff has not been above to review the entire exhibit, defendants' counsel is directed to ensure officials at the Northern Nevada Correctional Center provide plaintiff access to all components of the exhibit (Doc. #19). Since the plaintiff's deadline to oppose defendants' motion (Doc. #17) is rapidly approaching (March 26, 2012), this review should be scheduled in the near future to avoid any possible delays.

The plaintiff also asks for "six consecutive hours to read, study and take notes..." of Exhibit B (Doc. #31). The court will not inject itself into the logistics of the of the review process except to note plaintiff should be afforded sufficient time to review these records, access to which per defendants' motion to seal (Doc. #19) is restricted to "a safe and secure place outside of plaintiff's cell" (Doc. #18 at 2). In that regard, the court notes the complexity of the Walsh declaration and the medical records accompanying the declaration, most of which are handwritten and sometimes difficult to read. Officials at Northern Nevada Correctional Center should also afford plaintiff a reasonable opportunity to review his medical records beyond those contained in Exhibit B, if plaintiff so requests, in order to formulate his opposition to defendants' motion for summary judgment.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK		
By:	/s/	
	Deputy Clerk	